

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RICHARD ADORNO,

Petitioner,

vs.

ISIDRO BACA, *et al.*,

Respondents.

Case No. 3:15-cv-00160-LRH-WGC

**ORDER**

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*.

Petitioner has also submitted filed a motion for appointment of counsel (ECF #1-3). There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). Here, questions regarding timeliness and exhaustion are evident from the face of the petition, and petitioner alleges that he has suffered serious, long-term mental illness and that his counsel failed to advise him of his right to a direct appeal. Petitioner is also serving a life sentence. Therefore, counsel shall be appointed to represent petitioner.

1           **IT IS THEREFORE ORDERED** that the Clerk **DETACH** and **FILE** the petition (ECF #1-1).

2           **IT IS FURTHER ORDERED** that the Clerk **DETACH** and **FILE** the motion for appointment  
3 of counsel (ECF #1-3).


4           **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF #1-3)  
5 is **GRANTED**.

6           **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of Nevada  
7 ("FPD") is appointed to represent petitioner.

8           **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the FPD  
9 a copy of this order, together with a copy of the petition for writ of habeas corpus (ECF #1-1). The FPD  
10 shall have thirty (30) days from the date of entry of this order to file a notice of appearance or to indicate  
11 to the court its inability to represent petitioner in these proceedings.

12           **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case, the  
13 court will issue a scheduling order, which will, among other things, set a deadline for the filing of a first  
14 amended petition.

15           DATED this 28th day of April, 2015.

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18 LARRY R. HICKS  
19 UNITED STATES DISTRICT JUDGE  
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